

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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Notice of Proposed Rulemaking	)	
	)	CS Docket No. 02-52
Appropriate Regulatory Treatment for	)	
Broadband Access to the Internet Over	)	
Cable Facilities	)	
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**COMMENTS OF THE MUNICIPALITY OF MONROEVILLE, PENNSYLVANIA**

These comments are filed by the Municipality of Monroeville in support of the comments filed by the Alliance of Local Organizations Against Preemption (the "Alliance"). Like the Alliance, the Municipality of Monroeville believes that (a) local communities should be able to require cable operators to obtain additional authorizations to use and occupy public rights of way to provide cable services, and to enforce existing authorizations that have been granted for the service; (b) should be able to obtain fair and reasonable compensation for use and occupancy of the public rights of way to provide non-cable services; and (c) should be able to regulate cable companies in their provision of non-cable services, as provided under the Cable Act.

1. Our community and the status of cable modem service.

Municipality of Monroeville is a Home Rule Charter community of 30,000 residents]. It is served by Adelphia, which has approximately 6500 subscribers. The cable system serving our community offers subscribers a state of the art digital cable with premium services and high speed Internet access options. Cable modem service is offered in our community and has been for several years.

2. Timely roll-out of cable modem services not prohitied.

Neither the franchise requirements or the fees have prevented or delayed the roll-out of cable modem service in our community.

3. How we regulate cable modem service.

We regularly receive complaints from customers regarding the services provided by cable operators. These include complaints about traditional video programming services and about cable modem services. There are many

unique customer service problems associated with cable modem services. In addition, it is often difficult, if not impossible to separate regulation of cable modem service from the regulation of cable service in many critical respects:

- Cable modem service is marketed jointly with cable service.
- When we get complaints about promotional practices, the complaint may apply to both services.
- A single bill is sent for cable modem and cable services, so billing complaints involve both.
- Customer service calls go to a single number, so telephone answering policies affect both.
- A customer may call a single location to schedule installation of cable service and cable modem service, and customer complaints about installations and missed appointments may relate to both services.

As a result, when one service has problems, the quality of the other service can be affected. Customers are advised on their bill by the cable operator that they can call our office with complaints, and as far as we can tell, at no time does the operator advise the customer that protections accorded with respect to cable service do not apply with respect to cable modem service. In our view, there is a substantial and continuing need to protect consumers of cable modem service, in light of the complaints we receive, and because of its close tie to video services.

Cable modem service is also subject to the following requirements under our franchise:

- the operator is required to provide cable modem service throughout its service area, and is prohibited from redlining.
- the operator is prohibited from discriminating against potential customers.
- the operator is prohibited from demanding exclusive contracts as a condition of providing service to MDUs and others.

However, there are also important protections that did apply under our franchise that may not apply if cable modem services is NOT a cable service.

- service response time guarantees
- billing credit for system downtime
- advocacy and complaint hearing process by municipal officials

In summary, our community devotes significant resources to take advantage of the information superhighway and to extend its benefits to all. The funds that we obtain from cable modem franchise fees can help

support these and other activities. If we lose those funds, it will be more difficult to protect consumers, provide superior community access, and to promote broadband deployment in this community.

Respectfully submitted,

Municipality of Monroeville

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Marshall W. Bond  
Municipal Manager  
2700 Monroeville Blvd.  
Monroeville, PA 15146  
412-856-1000  
[bondma@monroeville.pa.us](mailto:bondma@monroeville.pa.us)